

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CALVIN RED THUNDER, JR.,

Defendant.

CR-17-85-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 16, 2020. (Doc. 50.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 16, 2020. (Doc. 46.) The United States accused Red Thunder of violating his conditions of supervised

release 1) by failure to report to the probation office within 72 hours of release from imprisonment; 2) by consuming alcohol; 3) failing to participate in substance abuse testing; 4) by failing to complete substance abuse treatment; 5) by using a controlled substance; 6) by failing to participate in sex offender treatment . (Doc. 44). At the revocation hearing, Red Thunder admitted that he had violated the conditions of his supervised release: 1) by failure to report to the probation office within 72 hours of release from imprisonment; 2) by consuming alcohol; 3) failure to participate in substance abuse testing; 4) by failing to complete substance abuse treatment; 5) by using a controlled substance; 6) by failing to participate in sex offender treatment. Judge Johnston found that the violations Red Thunder admitted proved to be serious and warranted revocation, and recommended that Red Thunder receive a custodial sentence of 24 months, with no supervised release to follow. Judge Johnston recommended placement at FCI Butner, North Carolina. (Doc. 50.) Red Thunder was advised of the 14 day objection period and his right to allocute before the undersigned. Red Thunder waived those rights. (Doc. 46.)

The violations prove serious and warrant revocation of Red Thunder's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Amended Findings and Recommendations (Doc. 50) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Calvin Red Thunder, Jr. be incarcerated for a term of 24 months of custody, with no supervised release to follow. Red Thunder should be placed at FCI Butner, North Carolina.

DATED this 23rd day of June, 2020.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court